

KNOX COUNTY COMMISSION

Special Meeting – Work Session

Tuesday - April 28, 2009 - 2:00 p.m.

A special meeting – work session of the Knox County Commission was held on Tuesday, April 28, 2009, at 2:00 p.m., at the county courthouse, 62 Union Street, Rockland, Maine. Administrative Assistant Candice Richards was present to record the minutes of the meeting.

Commission members present were: Anne Beebe-Center, Commissioner District #1, Richard L. Parent, Jr., Commissioner District #2, and Roger A. Moody, Commissioner District #3. County staff present included: County Administrator Andrew Hart, Administrative Assistant Candice Richards, DA Geoffrey Rushlau, and DA Secretary/Systems Administrator Kelly Perry.

Special Meeting – Work Session – Agenda Tuesday – April 28, 2009 – 2:00 p.m.

- I. 2:00 Meeting Called To Order**
- II. 2:01 Discussion Items**
 - 1. Restitution Policy
 - 2. Update on meeting with municipalities of Knox County to discuss sharing costs and determining efficiencies
 - 3. Update on Fiscal Year information from municipalities/other counties
 - 4. Update on Space Needs
 - 5. Update on Meeting with Lincoln County Commission
- III. Adjourn**

I. Meeting Called to Order

Commission Chair Anne Beebe-Center called the April 28, 2009 special meeting - work session of the Knox County Commission to order at 2:00 p.m. The Commissioners and County Administrator moved to sit at the conference table.

II. Discussion Items

1. Restitution Policy.

County Administrator Andrew Hart stated that when this subject had first come up, he received some initial information from Kelly Perry from the DA's office and forwarded that to the Commission. He then asked her to come to this work session to relate some further information. The DA, Geoffrey Rushlau, was also in attendance to help answer questions.

Commissioner Richard Parent explained that he had been asked by a store owner, located on the boarder between two counties, what the policy is. It is treated differently between the two counties. When a person is sentenced, they are sometimes required to pay restitution. In Lincoln County, the person owed the money can apply for those funds at any time. If it is a large sum of money, it is a big amount of money for the store to have to absolve. In Knox County, restitution money is paid in a lump sum once it has all been paid back in. He asked why Knox County is different than the State and other counties.

DA Geoffrey Rushlau explained that people are often ordered to pay restitution through their probation officer. In the past, the Department of Corrections policy was to wait until every penny of the restitution money was collected before it was paid back to the victim. The process has evolved from collecting all of the restitution money before paying out to the person it is owed to, to being more flexible, in part because financial software has improved. Sometimes it is paid out in chunks as the prison withholds 25 percent of the inmates money and sends it out for restitution, but that is not common. It is usually the probation officer that collects the money. It also depends on who the victim advocate is in the DA's office and how that person chooses to handle it. In Knox County the process is combined between Stephanie Laite and Kelly Perry. Both women have a roll in the process. In Lincoln County, the person handling this is so new that she may have not have a handle on it yet. The previous person there was very organized and paid it out as it was collected. Restitution is the third most important roll of the victim advocate.

Kelly Perry explained that while it is not usually a large amount of money, she has collected thousands in restitution from individuals before. However, if a victim calls and requests a portion of the money coming in before it has been entirely collected, she can still get them a check.

DA Geoffrey Rushlau explained that larger figures are typically part of the conditions of probation. If it is paid through the DA's office, it is usually not through probation. If it goes

unpaid, the office can file a complaint of non-payment of restitution, which puts the person in contempt of court. The judge can then order the person to jail until it is paid. The DA's office files probably a dozen complaints per year. The person usually runs right in and pays the fee to avoid going to jail. There are sometimes extension hearings but the judge may or may not extend the deadline. The prosecution software being used by the DA's office has a restitution module added to it and was designed by a computer consultant. The software does not notify her in any way if there are people who have not been making payments, so she has to occasionally look through the files herself and then file non-payment motions. The report part does not work that great. This software is not connected to the MUNIS software used by the County. It is, however, used by other DA's offices and will hopefully allow the various DA's offices to be able to share information on case summaries to see if defendants have cases in other counties. There is an office in Augusta which services all of the offices using the software and trains the staff to use it. They are working to see if the restitution module can be used more successfully. When people want a partial payment, Ms. Perry can get it to them. Ms. Laite had been more apt to wait for it to be all in because it is easier to keep track of. It is also less time consuming to cut a check periodically instead of cutting a check for each small payment made by someone ordered to pay restitution. Small businesses waiting for restitution are usually in that situation because of bad checks. Judges do not always order restitution in increments. They often order that the individuals pay their restitution first before the fines. The individuals are also usually given a deadline to pay the restitution. Some people just do small payments because it is easier for them to pay once a week instead of all of it at the deadline. If a victim has not been paid, it probably means the defendant has not paid anybody for anything, and may have even gone back to jail for it.

2. Update on meeting with municipalities of Knox County to discuss sharing costs and determining efficiencies.

The meeting with municipal managers has been set for June 4th at 10 am. It may be a good idea to have an outline or a rough agenda to get the meeting started. The Commission should have some ideas to discuss and encourage towns to bring their ideas as well. Something will need to be sent to the towns to let them know the idea behind the meeting. There should be some ideas that are common to most, if not all of the towns.

Some possible topics to consider:

Animal control officers

GIS information data

IT services

Safety training – having a safety officer

Solid waste (might also be a good topic to discuss with Lincoln County)

Health officers

Fiscal year (9 municipalities are on fiscal, 8 are on calendar, 1 is on a February to January year)

Building codes

Plumbing codes

Ambulance services

Assessors

There may need to be a series of meetings to thoroughly discuss topics with the towns. It may also be helpful to send out an agenda or an outline to get the towns started thinking about topics.

3. Update on Fiscal Year information from municipalities/other counties.

County Administrator Andrew Hart handed out a copy of the Maine statute Title 30-A § 932 Anticipatory Borrowing. Section 3, Change of Fiscal Year, states:

“County commissioners in a county that is changing from a January to December fiscal year to a July to June fiscal year pursuant to section 708 are authorized to borrow money for the purpose of a transitional budget by issuing bonds or notes in anticipation of taxes. The tax anticipation note covers the 6-month period of January 1st to June 30th prior to the first year of a fiscal year beginning on July 1st. County commissioners may borrow an amount that does not exceed the taxes anticipated from the transitional budgets, and the period of borrowing may not exceed 5 years. County commissioners may issue a tax anticipation note pursuant to this subsection only once.

Prior to February 15th of the transitional budget year, the municipal officers of each municipality in the county shall notify the county clerk in writing of the manner in which the municipality intends to pay its portion of the transitional county budget for the period of January 1st to June 30th. At the time of notification, the municipal officers shall indicate whether the municipality intends to pay its full share of the January 1st to June 30th transitional budget by December 31st of that year in

accordance with section 706 or whether the municipality intends to pay its share of the transitional budget in equal payments over 2, 3, 4 or 5 years, ending no later than 5 years. In accordance with the payment schedule indicated in its notification, a municipality not paying its full portion of the transitional budget in that year shall make payments for the transitional budget to the county at the time the municipality makes its payment to the county for the current year. Each municipality is responsible to the county for the municipality's share of the January 1st to June 30th transitional budget and any interest incurred by the county for borrowing on behalf of the municipality in anticipation of taxes as provided in this subsection.”

The County will borrow a six-month amount. Paying off jail debt could possibly cover that. This is what Kennebec County is doing. It is uncertain if this can all be done by January 1st. The jail will be easy because that is just half of the capped amount for a full year. The other departments will be harder because the department heads will need to consider what can be put off until a full year budget is done and see what is absolutely needed for those six months. Most reserve items should be held off. Bob Devlin is not asking the towns in his county if they want the county to change or not. It can cause problems with the towns if they are not supporting the change-over. Finance Director Kathy Robinson is looking at what the procedures will be and whether or not the sixth month budget and the next full year budget can be done at the same time. The County would not have all the information, especially for the twelve-month budget, if both budgets are done at the same time. It is uncertain if the change can be started this year. When the budget meetings are started in September, possibilities can be discussed then. It will need to be researched to see if a six-month and twelve-month budget can be done at same time

4. Update on Space Needs.

County Administrator Andrew Hart stated that a meeting is currently being set up, hopefully for May 19th, to meet with the department heads, QA13, and Roger Lichtman. He stated that he is waiting for confirmation from the department heads that this date will work. Commissioner Richard Parent has been invited to attend since he has been involved in the more recent part of the space needs process. A draft of the final report was submitted to the county administrator to look over. Copies were given to the department heads for use at the meeting. The report does not include plans or options because that was not what QA13/Lichtman Associates was hired to do. They were just hired to assess the current space needs. The Commission will need to be thinking about the pros and cons of leasing versus buying property for when the County begins looking at actual options.

5. Update on Meeting with Lincoln County Commission.

County Administrator Andrew Hart stated that he had originally looked at May 8th as a meeting date but Commissioner Parent could not make it. He stated that he would check with Lincoln County to see what other date would work.

Possible topics to discuss with Lincoln County:

Economic development (one of two counties that have their own economic development)

Jail issues

Appropriations committee issues

6. Swine Flu epidemic (*non agenda item*)

County Administrator Andrew Hart stated that he had scheduled a staff meeting tomorrow just to update the staff. The purpose is not to scare anyone but to encourage people to stay home if they are sick and to make sure everywhere is well-informed.

EMA Director Ray stated that there are 64 confirmed cases in the US. This is really not that many when you consider that the population of the US is about 307 million. A person can go twenty-four hours before displaying symptoms. If you go seven days without displaying symptoms, you are probably not infected. About 25 % of strategic stock-pile of antiviral medicine has been distributed. The CDC is looking at people in the hospital who are displaying flu-like symptoms. So far, there have been no deaths in the US. There is not much that can be done right now. If it became a bigger problem that impacted society, the County has a plan for how to keep services running. There is no way to prevent sick people from flying on airplanes so airports and the FAA can only encourage people to not fly if they are not feeling well.

III. Adjourn

- A motion was made by Commissioner Roger Moody to adjourn the meeting. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

The meeting adjourned at 4:10 p.m.

Respectfully submitted,

Candice Richards

**The Knox County Commission approved these minutes at their regular meeting
held on June 9, 2009.**

Anne H. Beebe-Center, Chair – Commissioner District #1

Richard L. Parent, Jr. – Commissioner District #2

Roger A. Moody – Commissioner District #3